

When preparing for a judicial settlement conference, please be sure to review the current local rule (LCvR16.2) and read the Settlement Conference Order of the assigned trial judge. Settlement discussions are required prior to the conference and must be described in the Cover Sheet to the Settlement Conference Statement. All clients and client representatives should be informed of the requirements of the Court's local rule and be prepared to participate with full settlement authority.

The following are generally the mandatory guidelines for the parties in preparing for the settlement conference: READ THE SETTLEMENT CONFERENCE ORDER.

1. **PURPOSE OF CONFERENCE:** The purpose of the settlement conference is to permit an informal discussion between the attorneys, parties, non-party indemnitors or insurers, and the settlement judge of every aspect of the lawsuit. This process provides the advantage of permitting the settlement judge to privately express his or her views concerning the parties' claims and defenses. The settlement judge, in his or her discretion, may converse with the lawyers, the parties, the insurance representatives, or any one of them outside the hearing of the others. The settlement conference provides the parties with an enhanced opportunity to settle the case, due to the assistance rendered by the settlement judge.

2. **FULL SETTLEMENT AUTHORITY REQUIRED:** In addition to lead counsel who will try the case, a person with full settlement authority must be present for the conference. This requires the presence of each named party or, if the party is not a natural person, an authorized representative of the party. The representative may not be a lawyer who has entered an appearance in the case. A business decision-maker with a law degree, who has not entered an appearance, may be the designated person with settlement authority.

For a defendant, such representative must have final settlement authority to commit the party to pay, in the representative's discretion, a settlement amount recommended by the settlement judge up to the plaintiff's prayer or up to the plaintiff's last demand, whichever is lower.

For a plaintiff, such representative must have final settlement authority, in the representative's discretion, to authorize dismissal of the case with prejudice, or to accept a settlement amount recommended by the settlement judge down to the defendant's last offer.

The purpose of this requirement is to have representatives present who can settle the case during the course of the conference without consulting a superior.

3. **EXCEPTION WHERE BOARD APPROVAL REQUIRED:** If Board approval is required to authorize settlement, attendance of the entire Board is requested. The attendance of at least one sitting member of the Board (preferably the Chairperson) is absolutely required.

4. **APPEARANCE WITHOUT CLIENT PROHIBITED:** Counsel appearing without their client (whether or not counsel has been given full settlement authority) will cause the conference to be canceled and rescheduled and may result in the imposition of sanctions.

5. **AUTHORIZED INSURANCE REPRESENTATIVE(S) REQUIRED:** Any insurance company that (1) is a party, (2) can assert that it is contractually entitled to indemnity or subrogation out of settlement proceeds, or (3) has received notice or a demand pursuant to an alleged contractual requirement that it defend or pay damages, if any, assessed within its policy limits in this case, must have a fully authorized settlement representative present at the conference. Such representative must have final settlement authority to commit the company to pay, in the representative's discretion, an amount recommended by the settlement judge within the policy limits.

The purpose of this requirement is to have an insurance representative present who can settle any outstanding claim or claims during the course of the conference without consulting a superior. An insurance representative authorized to pay, in his or her discretion, up to the plaintiff's last demand will also satisfy this requirement.

6. **ADVICE TO NON-PARTY INSURANCE COMPANIES REQUIRED:** Counsel of record will be responsible for timely advising any involved non-party insurance company of the requirements of this Order.

7. **SETTLEMENT CONFERENCE STATEMENT REQUIRED:** Unless otherwise ordered, one copy of each party's settlement conference statement with required cover sheet must be submitted no later than 12:00 noon, on a date ordered by the assigned judge, directly to the settlement judge at the courthouse address or the e-mail address indicated in the Settlement Conference Order. The settlement conference statement and cover sheet should not be filed and will not be made part of the case file.

The settlement conference statement should set forth the relevant positions of the parties concerning factual issues, legal issues, damages, and the settlement negotiation history of the case, including a recitation of any specific demands and offers that may have been conveyed. Copies of settlement conference statements are to be promptly transmitted to all counsel of record.

The settlement conference statement may not exceed five pages in length. Lengthy appendices should not be submitted. Pertinent evidence to be offered at trial, if thought particularly relevant, should be brought to the settlement conference for presentation to the settlement judge.

8. **CONFIDENTIALITY STRICTLY ENFORCED:** The settlement conference statements and all communications occurring during the settlement conference are confidential and cannot be used by any party with regard to any aspect of the trial of the case.

9. **SETTING:** The settlement conference is generally set before a United States Magistrate Judge who has no other involvement or assignment in the case. The conference will be set on a specific date and at a specific time according to the judge's schedule. Any requests to change that date should be made directly to the assigned settlement judge's chambers. Settlement Conference attendees should report to the settlement judge's chambers at the designated time.

10. **REQUIREMENT OF PRIOR SETTLEMENT DISCUSSIONS AND PRIOR SETTLEMENT:** Prior to the settlement conference, the parties shall discuss settlement with their respective clients and opposing counsel (or pro se parties) so that the issues and bounds of settlement have been explored in advance of the settlement conference. In the event a settlement between the parties is reached before the settlement conference date, the parties are to notify the settlement judge immediately.

11. **CONSEQUENCES OF NON-COMPLIANCE:** Upon certification by the settlement judge of circumstances showing non-compliance with the Settlement Conference Order, the assigned trial judge may take any corrective action permitted by law. Such action may include contempt proceedings and/or assessment of costs, expenses, and attorney fees, together with any additional measures deemed by the Court to be appropriate under the circumstances.